United Nations A/CONF.192/BMS/2008/2

General Assembly

Distr.: General
23 May 2008

Original: English

Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
New York, 14-18 July 2008

Letter dated 23 May 2008 from the Permanent Representative of Lithuania to the United Nations addressed to the Secretary-General

I have the honour to write to you in reference to General Assembly resolution 62/47, by which Member States agreed to convene the Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects from 14 to 18 July 2008 in New York. In my capacity as Chairman-designate of the biennial meeting and in order to facilitate preparations for the meeting, I have addressed the attached letter to all Member States. I should be grateful if you would circulate the letter as a document of the meeting.

(*Signed*) Dalius **Čekuolis**
Permanent Representative

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Annex to the letter dated 23 May 2008 from the Permanent Representative of Lithuania to the United Nations addressed to the Secretary-General

I am writing to you in my capacity as the Chairman-designate of the Third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which is to be convened from 14 to 18 July 2008 in New York. This letter builds upon ideas contained in my first letter of 29 February 2008 (A/CONF.192/BMS/2008/1).

In February 2008 I mapped out the contours of the meeting. Since then I have conducted wide-ranging consultations with Member States and civil society in New York and Geneva. I plan to attend the workshop on the implementation of the International Tracing Instrument in Seoul and the Euro-Atlantic Partnership Council-Organization for Security and Cooperation in Europe synergy conference for regional organizations on the implementation of the United Nations Programme of Action on Small Arms and Light Weapons in Brussels in May. I also plan to attend the preparatory meeting of the States of Latin America and the Caribbean to be held in Bogotá, in June.

The four facilitators, Ambassador J. Streuli, Permanent Representative of Switzerland to the Conference on Disarmament, Mr. Daniel Avila Camacho of the Permanent Mission of Colombia to the United Nations Office at Geneva, Mr. Hossam Aly of the Permanent Mission of Egypt to the United Nations in New York and Mr. Jong Kwon Youn of the Permanent Mission of the Republic of Korea to the United Nations in New York, have continued to make considerable efforts, including studying national reports, discussing with experts and conducting focused informal consultations with interested parties.

Pursuant to my consultations and discussions with the facilitators and the bureau-designate, I will address herewith the remaining organizational aspects of the meeting, its structure, discussion papers and collective outcome.

National reporting

You will recall that 31 March 2008 was set as a timeline for submission of national reports on the implementation of the United Nations Programme of Action and the International Tracing Instrument, as well as information on combating illicit brokering. As of today, the Office for Disarmament Affairs has received national reports from 79 Member States, of which 70 provided information on the International Tracing Instrument and 60 on illicit brokering. National reports are being posted on the meeting's website (http://disarmament.un.org/cab/bms3/2008NationalReports.html). Should States wish to submit their national reports or additions after this timeline, they can do so by sending them electronically to Ms. Gillian Goh (e-mail: gohg@un.org) at the Office for Disarmament Affairs.

The General Assembly, in its resolution 62/47, emphasized the importance of regular national reporting to the rendering of international cooperation and assistance to affected States. I am particularly encouraged that some three dozen States submitted reports within the suggested timeline, thus enabling the Bureau-designate, the facilitators and myself to begin early preparations. These reports provide a good basis for an analysis of national, regional and global trends in

implementing the Programme of Action. In addition, some reports outlined national perspectives on priorities, challenges and opportunities, offering thus very useful information for the discussions at the biennial meeting. I look forward to the draft analysis of these trends, challenges and opportunities that is being prepared by the United Nations Institute for Disarmament Research (UNIDIR) and Small Arms Survey.

I understand that this analysis will provide a statistical overview of reporting trends since the adoption of the Programme of Action, including a regional and subregional breakdown. I also understand it will provide an update of implementation with respect to the four themes selected for focused discussion during the meeting: brokering, stockpile management, surplus destruction and the International Tracing Instrument. These findings will be presented at the meeting, and a further report will be published following the meeting providing recommendations for improving the reporting mechanism. I am hopeful that this analysis will help us in preparing for a results-oriented meeting.

An immediate priority, however, is to encourage Member States to provide standardized, comprehensive and focused reports on a regular basis. This was highlighted by a number of States during the Security Council debate on small arms on 30 April 2008. A great variety of reporting formats, ranging from heavy-load to one-page documents, some focusing on statistics, some on future priorities, makes the task of reading, analysis, comparison and systematization somewhat difficult. We should aim to standardize reporting in order to make it less of a burden on national authorities as well as a more effective tool for the identification of needs, available resources, potential projects, priorities and opportunities. A standardized electronic report with an implementation kit would, I believe, have eased my task, as well as that of the facilitators, the Member States and the United Nations Secretariat.

Discussion papers

National reports per se cannot fully substitute for national interventions at the meeting, but they are the most comprehensive type of national statement, reflecting the progress of each Government in the implementation of the Programme of Action. In the light of this understanding, we have agreed that a general exchange of views at the meeting will be substituted by an in-depth consideration of key issues. At the open-ended consultations on 14 and 23 April 2008, I offered an overview of the design of such results-oriented discussions (see http://disarmament.un.org/cab/bms3/1thirdBMS.html). The four facilitators have worked diligently and have developed draft discussion papers on the four respective consensus-building themes that will be discussed in-depth at the meeting. These papers are meant to assist Member States in their preparations for focused and results-oriented discussions, leading to a collective outcome of the meeting. They are designed to help participants at the meeting to recommend improvements in the implementation of the Programme of Action and the International Tracing Instrument and to set goals for the future. The four discussion papers will be issued shortly (A/CONF.192/BMS/2008/WP.1-4). In the interim, the facilitators have indicated their wish to reflect on feedback from Member States.

Mandate and agenda

States agreed that at the meeting they would follow the mandate given in General Assembly resolution 62/47 and focus on the consideration of the implementation of the United Nations Programme of Action and on identifying priority issues and implementation challenges and opportunities. With this paramount objective in mind, with the help of Member States and the Bureau-designate, I have developed a draft provisional agenda and draft programme of work. At the open-ended consultations in April 2008 in New York and Geneva, the two draft texts, approved by the Bureau-designate, were informally circulated. In order to facilitate the preparations of all States, the two drafts will be issued shortly as documents of the meeting (A/CONF.192/BMS/2008/L.1 and L.2).

Both draft documents reflect the wishes expressed by Member States during my informal consultations. As part of a comprehensive and integrative approach, an overarching and all-inclusive theme of international cooperation, assistance and national capacity-building has been incorporated into the agenda. In addition, a draft agenda item 9 (d), entitled "Consideration of the implementation of the Programme of Action: other issues as well as identification of priority issues or topics of relevance in the illicit trade in small arms and light weapons in all its aspects and of their implementation challenges and opportunities", has been included. Thus, the proposed agenda does not prejudice issues on which Member States may wish to focus in the future.

Structure of the segments

The discussion under draft agenda item 9, "Consideration of the implementation of the Programme of Action", which contains three focused discussion themes: (a) international cooperation, assistance and national capacity-building; (b) illicit brokering in small arms and light weapons; and (c) stockpile management and surplus disposal, will begin immediately after taking the necessary organizational decisions on Monday morning, 14 July. The aforementioned discussion papers are intended to guide discussions during each of the three segments. Each of the discussions will kick off with a focused and short expert presentation on the subject.

Discussions on international cooperation, assistance and national capacity-building could help States to gain a better understanding of the resource implications of the commitments they have undertaken in the programme of action (issues for focused discussion at the meeting) and the International Tracing Instrument; identify their specific assistance or capacity-building needs in these areas; and better understand the resources and mechanisms that are available to them in addressing such needs. Once again, I strongly encourage States to bring concrete project proposals to the meeting, which cannot only be discussed, but which can also be fed into the "Programme of Action Implementation Support System", and Office for Disarmament Affairs database. The database, which includes a mechanism for matching needs to resources, will be launched at the meeting. Member States may examine best practices, successes and setbacks. I also wish to draw your attention to the 2006 study carried out by the United Nations Institute for Disarmament Research entitled "International Assistance for Implementing the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects: Findings of a Global

Survey" (http://www.unidir.ch/pdf/activities/pdf-act313.pdf). The study provides a first important overview on international cooperation and assistance during the period from 2001 to 2005.

The General Assembly, in its resolution 62/47, recognized that illicit brokering in Small Arms and Light Weapons should urgently be addressed by the international community. The report by the group of governmental experts (A/62/163 and Corr.1) established pursuant to General Assembly resolution 60/81 to consider further steps to enhance international cooperation in preventing, combating and eradicating the illicit brokering in small arms and light weapons will provide a solid basis for discussion. Recommendations to prevent, combat and eradicate illicit brokering in small arms and light weapons could be considered from various perspectives, including: national implementation; international cooperation, assistance and capacity-building; promotion of effective reporting; and enhancing international cooperation in preventing, combating and eradicating illicit brokering of Small Arms and Light Weapons in violation of United Nations arms embargo and sanctions; implementation challenges and opportunities.

Discussions on stockpile management and surplus disposal should start from the common understanding that stockpile management, and in particular the definition of eventual surplus disposal, should remain national prerogatives. An exchange about past achievements and future challenges regarding the effective implementation of the Programme of Action would be beneficial. Discussion should also address the critical issue of diversion of small arms and light weapons into illicit trade, as well as ways to enhance international cooperation and assistance to help States build the capacity to manage stockpiles in a secure and safe manner and gradually reduce risks. In the latest report of the Secretary-General on small arms (S/2008/258), numerous recommendations were made to Member States on this critical issue, and strong action by Member States was urged.

At the morning plenary meeting on Wednesday, 16 July, Member States will consider all other issues and priorities, challenges and opportunities, as provided for in paragraph 8 of General Assembly resolution 62/47. The immediate challenge will be setting a forward-looking implementation agenda as well as a sustainable and effective framework for action. At the Wednesday morning meeting, Member States could examine specific aspects of the implementation of the Programme of Action and identify implementation gaps and priority areas. In this regard, the report of the Secretary-General on small arms (S/2008/258), as well as debates on small arms issues at the First Committee of the General Assembly and at the Security Council, have provided a wealth of ideas, which, I believe, will be duly discussed at the meeting. For example, the issue of end-user certificates received a lot of attention. Important questions regarding the process that underpins the implementation of the Programme of Action, including follow-up, reporting and the role of the United Nations and regional and multilateral efforts, may also warrant consideration.

Intergovernmental organizations and non-governmental organizations will address the meeting during the afternoon plenary meeting on Wednesday, 16 July.

On Thursday, 17 July, Member States will consider the implementation of the International Tracing Instrument, in accordance with article 37 of the Instrument. Member States may wish to consider specific implementation measures, including adopting and putting in place necessary laws, regulations and administrative procedures (article 24) and establishing national points of contact (article 25). In

order to ensure the effective tracing of Small Arms and Light Weapons, the introduction of appropriate methods and procedures for marking (article 7-10) and record-keeping (article 11-13) are crucial prerequisites. It will also be essential to discuss a framework for assistance and cooperation, on which the success of the International Tracing Instrument depends. The instrument needs to be promoted and its implications must be understood by relevant policymakers and practitioners. Because of the nature of the meeting on the Instrument, Member States will consider and agree on the substantive outcome under that agenda item on Thursday, 17 July. It is also important to note that national reporting on the implementation of the Instrument (article 36) is mandatory.

Two plenary meetings on Friday, 18 July, will consider and adopt the substantive report of the meeting.

Collective outcome

This focused structure will enable the meeting to aim at a collective outcome document, which will pave the way for the effective implementation of the Programme of Action and the International Tracing Instrument on the ground, identify associated challenges and opportunities and contain a concrete implementation agenda. The collective outcome may also suggest recommendations on the United Nations process on small arms and light weapons that could be considered subsequently by the General Assembly. The substantive outcome document from the meeting on the International Tracing Instrument will appear as an annex to the report of the meeting.

Management of the meeting

The short time available for the meeting means that effective time management will be crucial to its success. Each plenary meeting will start on time at 10 a.m. and at 3 p.m. sharp. There will be no formal list of speakers opened in advance. Speakers will be recognized from the floor. Delegations are encouraged to engage in interactive debate rather than to read from previously prepared statements. Written statements submitted by Member States will be promptly uploaded on the meeting's website. Regional statements, in lieu of national statements, are encouraged. In order to reserve the most time possible for interactive discussions, I wish to revert to rule 20 of the provisional rules of procedure in order to firmly limit the length of statements. I will also make use of other means and practices applied in the past to observe time limits, such as limiting statements to five minutes. I wish to call on all delegations to move away from prepared statements and to engage instead in an interactive discussion. Discussion papers are being prepared exactly for that purpose.

As I mentioned in my letter of 29 February 2008, I will propose that the meeting use the rules of procedure (A/CONF.192/L.1) that were used at the 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and, mutatis mutandis, at the previous biennial meetings within the framework of the Programme of Action. I have also asked the Secretariat to issue the list of participants as early as Monday, 14 July, in order to facilitate contacts between donor States and those States that may be seeking assistance. I am encouraging States to include non-governmental organizations and other civil society representatives in their delegations.

Intergovernmental organizations and non-governmental organizations

Active participation by intergovernmental organizations, relevant non-governmental organizations and other civil society actors contributes practical expertise and experience to our discussions. Thus, I will approach selected intergovernmental organizations and invite them to make interventions on specific themes in their area of expertise during the in-depth discussion meetings. They will also have time during the plenary meeting on Wednesday afternoon, 16 July, to make general statements. This will be followed during the Wednesday afternoon meeting by interventions from representatives of civil society. As I stressed in my consultations, Member States have agreed to a focused and in-depth consideration of a number of issues, and this same approach is expected from intergovernmental organizations and non-governmental organizations. During the plenary meetings on the International Tracing Instrument, a number of interventions by intergovernmental organizations and non-governmental organizations are also envisaged.

I have held extensive and in-depth consultations with Member States, intergovernmental and non-governmental organizations since December 2007. I will continue to consult informally, as necessary, with a view to assisting Member States to prepare for the meeting and to advancing the collective outcome.

(*Signed*) Dalius **Čekuolis**